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Letter dated 29 May 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, addressed to the President of the Security Council

I write with reference to my letter of 9 April 2003 (S/2003/426).

The Counter-Terrorism Committee has received the attached third report from Saudi Arabia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: Arabic]

Letter dated 23 May 2003 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the pleasure to transmit to you herewith the second supplementary report of Saudi Arabia, which provides responses to the observations contained in your letter of 24 February 2003 (see enclosure).

(*Signed*) Fawzi Bin Abdul Majeed **Shobokshi**
Ambassador
Permanent Representative

Enclosure

[Original: Arabic]

Report of Saudi Arabia containing responses to the observations received on 24 February 2003 in a letter from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Implementation measures

1.2. **The CTC notes:**

- **From the first report (subparagraph 3 (e) comment, page 7, of the English text) that, constitutionally, 'the completion of the statutory procedures necessary for the ratification of the international conventions and protocols to which the Kingdom accedes makes their provisions a part of its domestic legislation having the same effect as domestic laws in the sense that all internal agencies and entities are required to enforce their provisions';**
- **From the supplementary report (subparagraph 3 (d) comment, page 11) that 'after Saudi Arabia accedes to any instrument a royal decree is issued endorsing that instrument and communicating it to the relevant authorities for implementation and appropriate action.'**

It appears from this that the conduct that is sought by the international instruments to be rendered unlawful is indeed given that character. However, since the international instruments leave it to States to impose penalties, it is not clear to the CTC how, under the law of Saudi Arabia, penalties are attached to that conduct or what they are. Reference is made in both reports to the general applicability of the Islamic Shariah in these circumstances but it is not clear how the Shariah is linked to the enforcement of international instruments. Please provide a further explanation on this point.

Response

As pointed out in the earlier reports, in its regulations the Kingdom of Saudi Arabia bases itself on Islamic legislation. Consequently, when it accedes to international conventions on counter-terrorism, it enforces the provisions of those conventions in accordance with its domestic legislation. The Kingdom thus applies the principles of the Islamic Shariah to every provision contained in an agreement, convention or legal instrument. Inasmuch as terrorist offences come under serious crimes included in the category of crimes against society (*hirabah*), the penalties imposed for them are severe, ranging up to execution. Saudi Arabia is known internationally for having the severest penalties for perpetrators of terrorist offences. The reason for this is its adherence to the provisions of the Islamic Shariah, which criminalizes all forms of terrorism.

1.3. **In relation to subparagraph 1 (a), the supplementary report states (page 3) that measures taken by the Saudi Arabian Monetary Authority (SAMA) 'include requiring local banks and money changers to report suspicious financial transactions to the security agencies and financial**

authorities.' In this connection, the CTC would be grateful for further information, as follows:

- **What are the criteria by which transactions are characterized as suspicious?**

Response

The Saudi Arabian Monetary Agency has issued an anti-money-laundering guide in accordance with the Forty Recommendations of the Financial Action Task Force on Money-Laundering (FATF). The guide has been circulated to banks and authorized exchange offices in operation in the Kingdom in 1995 in order that they should operate in accordance with it and comply with the instructions contained in it, considered as the minimum instructions to be applied. The guide contains numerous detailed indicators that point to money-laundering operations and relate to various banking transactions such as window transactions, bank accounts, credit transactions, money transfers, bank clientele and bank employees.

- **Is any requirement to report suspicious financial transactions imposed on financial intermediaries other than banks and financial institutions, for example, real estate agents, lawyers and accountants?**

Response

The Ministry of Commerce has issued anti-money-laundering circulars to the commercial and professional sectors which come under it, indicating the need to report suspicious operations.

Article 7 of the draft money-laundering statute prepared by the Kingdom's competent authorities contains the following: "Financial and other institutions, whenever there exist sufficient indications or evidence in connection with unnaturally large or complicated transactions or transactions which give rise to doubts or suspicions as to their nature or purpose, shall take the following steps:

"– Reporting of the transaction to the Financial Intelligence Unit;

"– Preparation of a detailed report on the transaction, including all available information relating to the transaction and the parties to it, to be forwarded to the Financial Investigations Unit."

- **The obligation to report that is imposed on banks and financial institutions appears to be one that requires notifying more than one authority. Is there any plan to make the Financial Investigations Unit the sole authority to which reports must be made and to make it responsible for assessing reports and referring them to other agencies for action?**

Response

The reporting of suspicious dealings in banks and financial institutions is determined by a clear reporting mechanism that consists in filling out a standard form containing information on the operation, the transferor and the payee. The related obligation arises from directives issued by the Saudi Arabian Monetary Agency in coordination with the Ministry of the Interior requiring the reporting of any suspicious financial operation to the Anti-Money-Laundering Unit of the Drug Control Department, which operates at present as a financial intelligence and investigations unit in the Kingdom.

What are the penalties for non-compliance with requirements to report suspicious financial transactions?

Response

The Bank Supervision Statute provides penalties for non-compliance with SAMA directives and the Work and Worker Statute, such as an administrative warning, a fine, dismissal from office or even imprisonment.

In addition, article 7 of the draft money-laundering statute prepared by the Kingdom's competent authorities contains the following: "Financial and other institutions, whenever there exist sufficient indications or evidence in connection with unnaturally large or complicated transactions or transactions which give rise to doubts or suspicions as to their nature or purpose, shall take the following steps:

"– Reporting of the transaction to the Financial Intelligence Unit;

"– Preparation of a detailed report on the transaction, including all available information relating to the transaction and the parties to it, to be forwarded to the Financial Investigations Unit."

Article 18 of the draft statute contains the following: "Any chairman or member of the board of directors or owner, manager, officer, authorized representative or employee of a financial or other institution who, acting in such capacity, fails to comply with any of the obligations set out in articles 4 to 10 of this statute shall, in the absence of any violation of other statutes, be punished by not less than two years' imprisonment and a fine of not less than 500,000 Saudi riyals or either of those penalties, and such penalty shall be applied to anyone who carries on the activity without having obtained the required permit."

1.4. **In response to the CTC's question whether Saudi Arabia has in place, or proposes to enact, a money-laundering law, it is stated in the supplementary report (page 3), inter alia, that measures taken include '[a]pproval of the Forty Recommendations adopted by the Financial Action Task Force (FATF) in 1999'. Please explain the nature of that approval. Does it constitute the incorporation of those recommendations into the domestic law of Saudi Arabia and, if so, how?**

Response

The Forty Recommendations of FATF were approved by the Council of Ministers in its decision No. 15 of 17 Muharram 1420 (4 May 1999). By the issuance of that decision, the Forty Recommendations became enforceable by the relevant authorities.

1.5. **The CTC notes from both the first report (pages 4 and 5) and the supplementary report (page 7) that SAMA has taken action to freeze accounts on the basis of the lists prepared under the authority of Security Council resolution 1267 (1999) but that, in response to the question whether 'there are any generally applicable procedures for freezing and provisional seizure of criminal funds and assets for offences relating to terrorism and its financing', the supplementary report states that, '[i]n the absence of a precise and unequivocal definition of terrorism endorsed by the international community, in Saudi Arabia measures for the freezing and seizure of funds can only be taken in accordance with specific statutory procedures and on the basis of a**

request from the Minister of the Interior addressed to the Minister of Finance and National Economy.' This statement appears surprising unless the royal decree ratifying the International Convention for the Suppression of the Financing of Terrorism (1999) has not yet been issued, given that, according to the Report, international conventions, once ratified, have effect as part of the domestic law of Saudi Arabia and given also the terms of subparagraph 1 (b) of Article 2 of that Convention. If the royal decree has not yet been issued, the CTC would be grateful for a progress report providing more specific information on the implementation of the Convention.

Response

We should like first of all to emphasize Saudi Arabia's commitment to and implementation of all Security Council resolutions on combating terrorism and the financing of terrorism and the fact that international conventions ratified by the Kingdom become part of its domestic law, pursuant to which the competent authorities establish specific mechanisms for their implementation. Consequently, such measures in no way conflict with the provisions of such conventions, but rather complement and implement them. Statutory measures, according to which funds are sequestered on the basis of a request addressed by the Minister of the Interior to the Minister of Finance, are internal measures of the Kingdom involving sequestering operations effected in the Kingdom and are not connected with such resolutions or the lists established by the Security Council. Sequestering operations connected with the latter are carried out by the authorities concerned directly upon receipt of those lists through official channels.

1.6. **In relation to the existing procedures for the freezing of assets, as mentioned above:**

- **What are the 'specific statutory procedures' mentioned in the supplementary report?**

Response

Under the Security Council resolutions, the names appearing in the lists prepared by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan are circulated with a view to implementation by the competent authorities in the Kingdom. Such lists are received via the Ministry of Foreign Affairs, which in turn forwards them to the authorities concerned (including the Ministry of Finance with a view to the immediate seizure of any related funds, if they exist). Saudi Arabia has prepared a draft money-laundering statute which is now in the final stage, which involves defining cases constituting the crime of money-laundering. In addition, a draft statute against operations connected with the financing of terrorism takes into account the eight recommendations added to the Forty Recommendations on money-laundering.

- **What is the legal basis in the law of Saudi Arabia for the action mentioned above to freeze the assets of persons and entities specified in the lists established by the Security Council?**

Response

In view of Saudi Arabia's commitment to implementing Security Council resolutions relating to counter-terrorism and pursuant to the international

conventions signed and ratified by the country's Government, the legal basis is as mentioned above, i.e., the fact that they become part of domestic legislation.

- **What are the steps taken between the reporting by a financial institution of suspicious activity and the making by the Interior Ministry of a request to the Ministry of Finance and Economy to freeze an account?**

Response

As mentioned earlier, internal procedures for the sequestering of funds within Saudi Arabia in connection with such reporting do not apply to the freezing of the assets and funds of individuals and entities mentioned in the Security Council lists.

As soon as the financial intelligence and investigations unit referred to above receives intelligence of the existence of a suspicious transaction, it carries out an investigation to ascertain the nature of the transaction and the extent to which it is connected with criminal or otherwise unlawful activities. In the event that the suspicions regarding the transaction prove correct, it submits to the Ministry of Foreign Affairs a request for an inquiry and the sequestration of the funds in question.

- **Given that the resolution calls for freezing action to be taken without delay, what is the time frame for those steps?**

Response

With regard to sequestration decisions emanating from the Security Council, the sequestering operation takes place immediately upon receipt by the Kingdom of the lists in question through official channels.

Sequestration in respect of suspicious internal transactions is effected immediately upon the ascertainment of the nature of such transactions by the investigating authorities. In addition, in some instances the statutes also permit provisional seizure of funds and accounts during the investigation phase in such cases.

1.7. **Please provide a more detailed description of the status, functions and level of activity of both:**

- **'The standing committee of relevant State agencies ... established to consider requests relating to counter-terrorism ... submitted by States, international organizations and other entities ...' that is mentioned in the supplementary report in relation to subparagraph 1 (a); and**
- **The Anti-Money-Laundering Committee also mentioned in that report in relation to that subparagraph.**

Is the role of the first-mentioned committee confined to matters relating to the financing of terrorism or is it wider? Is there an operational unit that reports to the Anti-Money-Laundering Committee? What is the relationship between the two committees and between them (especially the Anti-Money-Laundering Committee) and SAMA?

Response

The Standing Committee on Counter-Terrorism, which is based in the Ministry of the Interior, is made up of representatives of the Ministry of the Interior, the

Ministry of Foreign Affairs, the office of the Head of General Intelligence and the Ministry of Finance, represented by SAMA, as permanent members, and other relevant governmental agencies, as non-permanent members. Its principal functions include the following:

- Studying requests submitted by States and international bodies in connection with counter-terrorism;
- Studying terrorism-related questions at the Kingdom level;
- Participating in numerous conferences and meetings on questions relating to the fight against terrorism and the financing of terrorism locally, regionally and internationally.

The Anti-Money-Laundering Standing Committee, which has its seat at SAMA, represents a number of Government agencies. Its functions include the following:

- Studying and following up all subjects connected with money-laundering operations in the Kingdom and reporting as necessary to the higher authorities any impediments or difficulties encountered by the agencies concerned in implementing anti-money-laundering recommendations;
- Coordinating with the relevant agencies for the study of subjects proposed or referred to them directly and following up subjects referred to those agencies;
- Proposing appropriate policies, measures and techniques for combating money-laundering so that they may be applied and practised by financial institutions and commercial enterprises in Saudi Arabia and following up on legislation to ensure the suppression of money-laundering operations;
- Providing the relevant Government agencies with evidence and measures to ensure protection against the practice of such unlawful activities;
- Preparing studies and statistics on money-laundering operations both locally and internationally, while keeping up to date on new developments at the regional and international levels;
- Keeping abreast of all regional and international developments in the area of money-laundering and related activities and studying to what extent it might be advantageous to implement them in the Kingdom;
- Participating in symposia and conferences both at home and abroad in order to learn about money-laundering operations and new developments relating to action to counter them;
- Requesting technical assistance or appealing to parties, both domestically and abroad, to participate in or offer either technical or legal assistance in connection with the work of the Committee.

Regarding the relationship between the Standing Committee on Counter-Terrorism and the Anti-Money-Laundering Standing Committee, Kingdom-wide exchange of information on the suppression of money-laundering operations and the financing of terrorism takes place between the two committees, in addition to the fact that some of the Government agencies directly concerned with efforts to combat money-laundering and the financing of terrorism are represented on both committees.

1.8. **The CTC notes the statement in the supplementary report in relation to subparagraph 1 (b) 'For its statutes, the Kingdom of Saudi Arabia relies on Islamic law.' The CTC would nevertheless be grateful, given the detailed and technical nature of the offences specified in the resolution and in the 12 relevant international conventions and protocols, for an indication of the consideration that has been given by Saudi Arabia to the incorporation into its secular legal system of provisions specifically criminalizing activities of the kinds mentioned in subparagraphs 1 (b) and (d), and 2 (a) and (d), of the resolution.**

Response

It has been mentioned earlier that, in the application of penalties for the crimes mentioned in paragraphs 1 (b) and (d), and 2 (a) and (d) of Security Council resolution 1373 (2001), Saudi Arabia relies on the provisions of the Islamic Shariah, inasmuch as the Qur'anic texts, which constitute one of the most important sources of legislation in the Kingdom, provide for the criminalization of the crimes of killing and causing terror, which are considered as "spreading mischief in the land" and are reckoned among crimes against society (*hirabah*), to which the severest penalties, ranging up to execution, apply.

1.9. **What legal requirement is there for financial institutions and alternative money transfer agencies to obtain and record originator information in relation to all transfers?**

Response

The requirement provided by law relates to the steps taken and communicated by SAMA to such financial institutions to provide all information on the transferor, i.e., name, identity number (from identity document), address and purpose of transfer, in addition to the name and address of the payee and the country to which the sum is transferred, and to keep for at least five years such information relating to transfers effected. All this is in keeping with the Forty Recommendations and the additional eight recommendations issued by FATF.

1.10. **The CTC is aware that Saudi Arabia may have covered some or all of the points in the preceding paragraphs in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaire as part of Saudi Arabia's response to these matters as well as details of any efforts to implement international best practice, codes and standards which are relevant to the implementation of resolution 1373 (2001).**

Response

In the context of its membership in the Financial Action Task Force on Money-Laundering (FATF), Saudi Arabia filled in the self-assessment questionnaire for the Kingdom and sent it to FATF. A copy of the questionnaire is attached hereto.

1.11. **The CTC would be grateful for more detailed information on the role and activities both of the element within the Ministry of Labour and Social Affairs that monitors the activities within Saudi Arabia of charitable associations and the High Committee on Fund-raising. Does the High Committee establish its own criteria for approval of transfers abroad of funds raised for charitable purposes or is it bound by legislative norms? What are the legal sanctions and**

investigative techniques employed by both bodies to monitor the use and movement of funds raised in the name of charitable associations?

Response

Charitable associations in Saudi Arabia come under the Charitable Institutions and Associations Ordinance promulgated by Council of Ministers resolution 107 of 1990 and the related implementing rules promulgated by decision No. 760 of 1991 of the Minister of Labour and Social Affairs, under which the Ministry of Labour and Social Affairs is in charge of supervising the work of charitable associations and monitoring the implementation of the Ordinance and the rules issued pursuant to it. For that purpose, it has the power to examine their books, records and documents in connection with the work and activities of such associations, and the associations are required to present any other information, data or documents requested by the Ministry. The Ordinance also lays down the criteria governing the work of such charitable associations with regard to their financial and administrative organization.

The Minister of Labour and Social Affairs may stop the implementation of any decision taken by the governing board of an association if such decision is in violation of the Ordinance, decisions adopted under the Ordinance or the charter of the association.

The Minister of Labour and Social Affairs also has the right to dissolve the association in a number of cases, e.g.:

- If the association departs from its purposes or commits a material violation of its charter;
- If it disposes of its assets in a manner other than that specified for it;
- If it violates the provisions of the Charitable Institutions and Associations Ordinance.

It is prohibited for such associations to provide assistance outside Saudi Arabia or to cooperate with any charitable organization outside the Kingdom. The geographic sphere of each association founded, or in other words the area in which its services are to be provided, is laid down in its charter, in order that it may not interfere with other associations within their geographic spheres. Ministry auditors make one or two yearly visits to associations in order to monitor the dispensing of assistance to the needy and to make certain that such assistance is provided by cheque and not in cash.

In the wake of the events of 11 September 2001, the High Committee on Fund-raising restricted all fund-raising for foreign countries to contributions in kind. With regard to development projects such as hospitals and schools, the Committee enters into contracts with competent quarters for founding them in accordance with clearly defined criteria and amounts of money are disbursed to them directly by the High Committee without the intervention of any intermediary.

1.12. **Further to the questions in paragraph 1.11, the CTC notes that in September 2002, the Saudi Higher Authority for Relief and Charity Work was created to ensure that humanitarian assistance is channelled to appropriate persons for the right purposes. Please provide the CTC with information on:**

- **The relationship of the Authority with the bodies mentioned in paragraph 1.11;**

- **How the Authority will work, including, in particular, the continuing monitoring of flows of funds and of the activities of charities; and**

- **To whom the Authority will report.**

Response

The Saudi Higher Authority for Relief and Charity Work has not yet been created. Once it is created, all charitable organizations and associations that offer their services outside the Kingdom will be placed under it. Consequently, the High Committee on Fund-raising referred to in paragraph 1.11 will be placed under it and the way in which it will operate will be defined subsequently.

Charitable associations which provide their services within the Kingdom, on the other hand, will continue to be under the Ministry of Labour and Social Affairs.

The Saudi Higher Authority for Relief and Charity Work, once established, will be an autonomous body having a supervisory, coordinating and monitoring character with respect to Saudi charitable organizations and associations that carry on relief and charity work outside the Kingdom. It will have a board of directors headed by the Minister of the Interior.

1.13. **The CTC would be grateful to know the institutional mechanism by which Saudi Arabia provides early warning of any anticipated terrorist activity to another Member State, whether or not the States are parties to bilateral or multilateral treaties with Saudi Arabia.**

Response

In the event that the competent authorities in the Kingdom of Saudi Arabia come into possession of information on the possibility that a terrorist offence might occur within the territory of a State or States, against their nationals or persons resident within their territory or against their interests, the Kingdom communicates to that State or States the information in its possession through notification of a possible terrorist offence, transmitted through the embassy of the targeted State or States in Saudi Arabia if such State or States have no bilateral or multilateral treaties with the Kingdom. If, however, security agreements or treaties exist between Saudi Arabia and a particular State or States, the notification is addressed to the competent counter-terrorism authority in the State or States whose interests, nationals or residents are targeted.

1.14. **Subparagraph 2 (f) requires Member States to afford each other assistance in the matter of criminal investigations and judicial proceedings. Could Saudi Arabia please indicate how it provides such assistance to Member States in need of such assistance, particularly those that are not parties to the Arab Convention for the Suppression of Terrorism or the Convention of the Organization of the Islamic Conference on Combating International Terrorism. Please list the countries with which Saudi Arabia has treaties on mutual assistance in criminal matters.**

Response

Saudi Arabia engages in mutual assistance in the field of criminal investigations and judicial proceedings with States not parties to the Arab Convention for the Suppression of Terrorism or the Convention of the Organization of the Islamic Conference on Combating International Terrorism under bilateral

agreements concluded with individual States, such as the Memorandum of Understanding against Terrorism and the Unlawful Exploitation of Drugs signed with the Italian Republic and the Memorandum of Understanding on the Fight against Terrorism, the Sale of Narcotics and Organized Crime signed with the United Kingdom. Under these agreements mutual assistance is provided, such as the exchange of information, expertise and know-how with a view to improving security standards and the exchange of expertise on new terrorist threats and the organizational structures prepared for dealing with them.

In the case of States not parties to any agreement with Saudi Arabia on terrorism, mutual assistance is provided on a basis of reciprocity.

1.15. **Subparagraph 2 (e) of the resolution requires Member States to 'Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice ...'. This requirement is summed up in the expression 'prosecute or extradite'. It appears from the explanation at pages 8 and 9 of the supplementary report that currently Saudi Arabia only partially meets this requirement, in that:**

- **In the case of non-citizens, there is no requirement to prosecute for international terrorist crimes committed outside Saudi Arabia if extradition is not available;**
- **Extradition may not be available in the absence of an extradition treaty with a particular requesting country; and**
- **Even where there is such a treaty, Saudi Arabia appears to have no commitment beyond that 'to consider [the fugitive's] extradition'.**

The CTC would welcome further details about the current situation and an indication of Saudi Arabia's plans in this regard.

Response

The Kingdom has not refused to extradite persons accused of committing terrorist acts, particularly since it is one of the founders of the Arab Convention for the Suppression of Terrorism, the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the Arab Convention on Judicial Cooperation (the Riyad Convention). It is also party to a number of bilateral agreements. However, it might refuse extradition if the case is under investigation, a judicial sentence has been rendered in respect of it or there is a conflict with the principle of sovereignty. Such procedures are in keeping with the rules of international law, which guarantee every State the right of sovereignty and authority over its territory in pursuing the investigation of the case in which extradition is requested. Saudi Arabia might also refuse to extradite if a final judgement has been handed down that is enforceable or is in conflict with the principle of sovereignty.

1.16. **Please provide a progress report on the ratification by the Government of Saudi Arabia of those of the 12 international instruments relating to terrorism that have not yet been ratified. Please outline the provisions that give effect to those instruments in domestic legislation.**

Response

There are only three international conventions on terrorism to which Saudi Arabia is not a party. They are still before the specialized committee, made up of a number of the Kingdom's agencies, for study and the presentation of recommendations concerning them. Those conventions are the following:

1. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);

2. The Convention on the Physical Protection of Nuclear Material (1980);

3. The International Convention for the Suppression of Terrorist Bombings (1997).

1.17. **The CTC notes the assurances provided in both reports, in relation to subparagraph 3 (g), that political motivation is not recognized in Saudi Arabian law as a ground for refusing extradition for a terrorist offence. It also notes the special exception provided by paragraph (a) of Article 2 of the Arab Convention for the Suppression of Terrorism. The CTC would welcome an indication of how Saudi Arabia would deal with a request by a State that is not party to that Convention for the extradition of a person accused of an offence against, say, the International Convention for the Suppression of Terrorist Bombings committed in circumstances of the kind attracting the above-mentioned special exception.**

Response

The provisions of paragraph (a) of Article 2 of the Arab Convention for the Suppression of Terrorism concerning armed struggle against foreign occupation and aggression for liberation and self-determination are in accord with principles of international law, as reaffirmed by the United Nations, on the occasion of its fiftieth anniversary, in General Assembly resolution 50/6 of 24 October 1995, which contains a reference to the right of peoples under colonial and other forms of alien domination or foreign occupation to self-determination, independence and the establishment of legitimacy. Thus no exception exists, inasmuch as what is involved is the right of peoples to engage in armed struggle for self-determination.